

AMENDMENTS TO THE CLAIMS

Please amend the claims as follows:

1. (Currently Amended) An adjustable surround for use with a fireplace, the surround comprising:
 - a first member extending generally horizontally between a first end and a second end~~having first and second ends~~; and
 - a second member extending generally horizontally between a first end and a second end, ~~having first and second ends~~, the first and second members being oriented generally horizontally in alignment with the first ends facing each other to define a spacing, where a distance between the second ends of the first and second members defining defines a width of the surround;wherein the first and second members are movable relative to each other to vary the width of the surround;
 - a first side member having a front face and a length and extending generally vertically between a first end and a second end, the first end of the first side member being coupled to the second end of the first member;
 - a second side member having a front face and a length and extending generally vertically between a first end and a second end, the first end of the second side member being coupled to the second end of the second member, the length of the first and second side members defining a portion of a height of the surround;
 - a first overlap member configured to cover the spacing between the first ends of the first and second members;
 - a second overlap member having a top, an inner contoured surface that matches the front face of the first side member to provide a seamless appearance between the first side member and the second overlap member, and a bottom adapted to rest against a floor, where the second overlap member is configured to cover a spacing between the second end of the first side member and the floor; and

a third overlap member having a top, an inner contoured surface that matches the front face of the second side member to provide a seamless appearance between the second side member and the third overlap member, and a bottom adapted to rest against the floor, where the third overlap member is configured to cover a spacing between the second end of the second side member and the floor;

wherein relative movement between the second and third overlap members and respective first and second side members adjusts a height of the surround.

2. – 6. (Cancelled)

7. (Currently Amended) The surround of claim 1, further comprising a retaining bracket configured for mounting the surround to an exterior portion of the fireplace or a wall structure adjacent to ~~the~~ the fireplace, wherein the retaining bracket supports the first and second members in predetermined positions relative to each other.

8. (Original) The surround of claim 7, wherein the retaining bracket includes first and second retaining members configured to support respective first and second members.

9. (Original) The surround of claim 2, wherein the first overlap member includes a keystone shape.

10. (Original) The surround of claim 2, wherein the first overlap member includes a front decorative surface and a rear surface, the rear surface including a track structure configured to engage a front decorative surface of the first and second members to couple the first overlap member to the first and second horizontal members.

11. (Original) The surround of claim 6, wherein the second and third overlap members each include a front decorative surface and a rear surface, the rear surface including a track

structure configured to engage a front decorative surface of respective first and second side members to couple the second and third overlap member to respective first and second side members.

12. (Original) The surround of claim 6, wherein the second and third overlap members are coupled to the first ends of respective first and second side members.

13. (Cancelled)

14. (Original) The surround of claim 6, wherein the second and third overlap members are coupled respectively to the second ends of the first and second members and to the first ends of the first and second side members.

15. (Currently Amended) A width adjustment surround for a fireplace, the surround comprising:

first and second top members arranged end to end in a generally horizontal orientation and defining a width of the surround, wherein the first and second top members are movable relative to each other to alter the width of the surround;

a first retaining member including:

a surround mount portion secured to the first top member; and

a wall engagement portion extending outwardly away from the first top member;

a second retaining member including:

a surround mount portion secured to the second top member; and

a wall engagement portion extending outwardly away from the second top member;

a wall mounting bracket including:

a wall mount portion configured to extend along and be secured to a front surface of at least one of a fireplace and a wall structure adjacent to the fireplace; and
a surround engagement portion extending outward and upward from the wall mount portion to engage the wall engagement portions of the first and second retaining members, respectively.

16. (Original) The surround of claim 15, wherein the first and second top members each include a first end, the first ends facing each other, and movement of the first and second top members adjusts a spacing between the first ends.

17. (Original) The surround of claim 16, further comprising a first overlap member configured to overlap the first ends of the first and second top members to cover the spacing between the first ends.

18. (Currently Amended) A height adjustment surround for a fireplace, the surround comprising:

first and second side members extending generally vertically on opposing sides of a combustion chamber enclosure of the fireplace; and

first and second overlap members on opposing sides of the fireplace, each of the first and second overlap members having contoured inner surfaces, a top, and a bottom adapted to rest against a floor adjacent the fireplace and being configured to be coupled to ~~respective~~ the first and second side members, respectively, to provide a seamless appearance with the first and second side members and cover gaps between the floor and the first and second side members;

wherein relative movement between the first and second side members and ~~respective~~ the first and second overlap members, respectively, adjusts a height of the surround.

19. (Original) The surround of claim 18, wherein the first and second side members include first ends oriented generally downward facing, and the first and second overlap members are configured to be coupled to the first end of respective first and second side members.

20. (Currently Amended) A method of adjusting a size of a decorative surround for a fireplace, the surround having a height, a width, a top member oriented generally horizontally and having a width in a vertical direction and a length in the horizontal direct, and first and second side members extending generally vertically and being coupled to the top member, the method comprising the steps of:

securing a retaining bracket to the top member, the retaining bracket including a surround mount portion secured to the top member and a wall engagement portion extending outwardly away from the top member;

securing a wall mounting bracket to a front surface of at least one of a wall structure and a fireplace, the wall mounting bracket including a wall mount portion configured to extend along and be secured to the front surface and a surround engagement portion extending outward and upward from the wall mount portion;

mounting the top member to the front surface by engaging the surround engagement portion of the wall mounting bracket with the wall engagement portion of the retaining bracket; and

moving the first and second side members across the width of the top member to adjust the height of the surround.

21. (Original) The method of claim 20, further comprising the step of moving the first and second side members along a length of the top member to adjust a width of the surround.

22. (Original) The method of claim 20, further comprising the step of mounting the surround to an exterior portion of the fireplace or a wall structure adjacent the fireplace with a retaining bracket.

23. (Original) The method of claim 20, wherein the surround further includes first and second overlap members configured to overlap respective first and second ends of the top member and first ends of the side members.

24. (Currently Amended) A method of adjusting a size of a decorative surround for a fireplace, the surround having a width and including first and second horizontal members oriented generally horizontally and being aligned end to end, the method comprising the steps of:

moving the first and second horizontal members relative to each other to adjust the width of the surround;

securing the first and second horizontal members to a front surface of at least one of the fireplace and a wall adjacent the fireplace;

covering the ends of the first and second horizontal members with a first overlap member after securing the first and second horizontal members to the front surface; and

securing the first overlap member to the first and second horizontal members.

25. (Currently Amended) The method of claim 24, wherein the surround further includes an overlap member ~~having~~ has a width and being configured to overlap ends of the first and second horizontal members that are facing each other, and the moving step includes moving the first and second horizontal members relative to each other within the width of the overlap member.

26. (Currently Amended) A method of adjusting a size of a decorative surround for a fireplace, the surround having a height and including first and second side members

extending generally vertically along opposing sides of a combustion chamber enclosure of the fireplace, and including first and second overlap members ~~coupled to the first and second side members~~, the method comprising the steps of:

covering lower ends of the first and second side members with the overlap members,

including:

providing a seamless appearance between the first and second overlap

members and the first and second side members, respectively; and

contacting a bottom of the first and second overlap members with a floor

structure in front of the fireplace to cover a spacing between the floor

structure and the first and second side members, respectively, such that

the first and second overlap members appear to support the weight of

the decorative surround; and

moving the first and second side members relative to respective first and second overlap members to adjust the height of the surround.

27. (Currently Amended) The method of claim 26, ~~wherein the first and second side members include first and second ends, the first ends being oriented in a vertically downward facing direction, the method further comprising the step of coupling the first and second overlap members to the first~~lower ends of respective first and second side members.

28. (Currently Amended) The method of claim 27, ~~wherein the first and second side members include first and second ends, the second ends facing upward, and the surround further including~~includes a top member extending between and coupled to the first and second side members, the method further comprising the step of coupling the first and second overlap members to the second ends of respective first and second side members and to opposing ends ofsecuring the top member to a front surface of at least one of the fireplace and a wall structure adjacent the fireplace.

29. (Currently Amended) An adjustable size decorative surround for a fireplace, the surround comprising:

a top member oriented generally horizontally;

first and second side members oriented generally vertically;

a retaining bracket including:

a surround mount portion secured to the top member; and

a wall engagement portion extending outwardly away from the top member;

a wall mounting bracket including:

a wall mount portion configured to extend along and be secured to a front surface of at least one of a fireplace and a wall structure adjacent to the fireplace; and

a surround engagement portion extending outward and upward from the wall mount portion to engage the wall engagement portion of the retaining bracket;

wherein vertical movement of the first and second side members relative to the top member adjusts the size of the surround.

30. (Original) The surround of claim 29, wherein the surround includes a height, and relative movement between the top member and the first and second side members adjust the height of the surround.

31. (Original) The surround of claim 29, wherein the surround includes a width, and relative movement between the top member and the first and second side members adjust the width of the surround.

32. (Original) The surround of claim 29, wherein the surround further includes first and second overlap members configured to cover an intersecting point between the top member and respective first and second side members.

33. (Original) The surround of claim 1, further comprising a mantle shelf configured for mounting on top of the top member.